

Guy B. Wallace – 176151
 Mark T. Johnson – 76904
 Travis C. Close – 308673
 Rachel L. Steyer – 330064
**SCHNEIDER WALLACE
 COTTRELL KONECKY LLP**
 2000 Powell Street, Suite 1400
 Emeryville, California 94608-1863
 Telephone: (415) 421-7100
 Facsimile: (415) 421-7105
 Email: gwallace@schneiderwallace.com
 mjohnson@schneiderwallace.com
 tclose@schneiderwallace.com
 rsteyer@schneiderwallace.com

Gay Crosthwait Grunfeld – 121944
 Jenny S. Yelin – 273601
 Benjamin Bien-Kahn – 267933
 Amy Xu – 330707
**ROSEN BIEN
 GALVAN & GRUNFELD LLP**
 101 Mission Street, Sixth Floor
 San Francisco, California 94105-1738
 Telephone: (415) 433-6830
 Facsimile: (415) 433-7104
 Email: ggrunfeld@rbgg.com
 jyelin@rbgg.com
 bbien-kahn@rbgg.com
 axu@rbgg.com

Attorneys for Plaintiffs and
 the Certified Class

Erica Rutner (SBN 344880)
 e.rutner@mooreandlee.com
 John A. Bertino (VBN 93393) (*Pro Hac Vice*)
 j.bertino@mooreandlee.com
MOORE & LEE, LLP
 110 SE 6th Street, Suite 1980
 Fort Lauderdale, Florida 33301
 Telephone: (703) 940-3763
 Facsimile: (703) 506-2051

Michael D. Jacobsen (IL SBN 6303584) (*Pro
 Hac Vice*)
 mjacobsen@seyfarth.com
SEYFARTH SHAW LLP
 233 South Wacker Drive, Suite 8000
 Chicago, Illinois 60606-6448
 Telephone: (312) 460-5000
 Facsimile: (312) 460-7000

Justin T. Curley (SBN 233287)
 jcurley@seyfarth.com
SEYFARTH SHAW LLP
 560 Mission Street, 31st Floor
 Sacramento, California 94105
 Telephone: (415) 397-2823
 Facsimile: (415) 397-8549

Attorneys for Defendants
 BROOKDALE SENIOR LIVING INC.
 and BROOKDALE SENIOR LIVING
 COMMUNITIES, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

STACIA STINER, et al.,

 Plaintiffs,

 v.
 BROOKDALE SENIOR LIVING, INC., et al.,

 Defendants.

Case No. 4:17-CV-03962-HSG

**STIPULATION AND ORDER FOR
 OMNIBUS MOTION TO SEAL OR,
 ALTERNATIVELY, RELIEF TO
 EXTEND TIME TO FILE
 DECLARATION IN SUPPORT OF
 ADMINISTRATIVE MOTION**

1 Plaintiffs and Defendants (collectively, the “Parties”), by their undersigned counsel, respectfully
2 stipulate as follows:

3 WHEREAS, when the Parties have filed multiple requests to seal in this matter, the Court has
4 ordered the parties to consolidate the pending requests into a single, omnibus motion to seal once the
5 Parties had completed briefing the issue to which the sealing requests related (*see* ECF Nos. 549 & 635);

6 WHEREAS, on October 20, 2023, Plaintiffs filed their Motion for Leave to File Plaintiffs’
7 Motion for Certification of Subclasses (ECF No. 650, the “Motion for Leave”), accompanied by an
8 Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed in Support of
9 Plaintiffs’ Motion for Leave (ECF No. 649, the “Motion to Consider”);

10 WHEREAS, with their Motion to Consider, Plaintiffs filed conditionally under seal
11 approximately 53 exhibits and six declarations that either constituted documents that Defendants had
12 designated as “Confidential” pursuant to the Stipulated Protective Order governing the case (ECF No.
13 127) or that discussed the substance of such documents;

14 WHEREAS, with their Motion for Leave, Plaintiffs in total filed approximately 600 exhibits and
15 23 declarations, including publicly other material that Defendants had designated as “Confidential,”
16 based on Plaintiffs’ understanding that Defendants had previously told the Court that these documents
17 and information did not need to be redacted or filed under seal;

18 WHEREAS, the Parties currently are meeting and conferring regarding whether this additional
19 material that Plaintiffs did not file conditionally under seal with their Motion for Leave should have
20 been conditionally filed under seal;

21 WHEREAS, Defendants anticipate that they will need to file a motion to seal certain of these
22 documents, in addition to filing a declaration in support of continued sealing in response to Plaintiffs’
23 Motion to Consider;

24 WHEREAS, Defendants anticipate that Defendants will need to file another motion to seal
25 concurrently with their anticipated response in opposition to Plaintiffs’ Motion for Leave and that
26 Plaintiffs will need to file another motion to consider whether another party’s material should be sealed
27 concurrently with their reply in support of Plaintiffs’ Motion for Leave;

1 WHEREAS, Defendants believe that filing an omnibus motion to seal that consolidates all of the
2 pending and anticipated requests related to Plaintiffs' Motion for Leave in a single filing in a similar
3 fashion as the Court has ordered previously (*see* ECF Nos. 549 & 635) will streamline the Court's
4 review and save judicial resources, including because much of the material at issue will be similar in
5 nature;

6 WHEREAS, due to the volume of material Plaintiffs filed with their Motion for Leave and due to
7 the potential volume Defendants anticipate the Parties may file with their motions to seal and/or motions
8 to consider, Defendants also believe that approximately thirty (30) days after Plaintiffs' deadline to file
9 their reply in support of their Motion for Leave would serve as an appropriate deadline to file the
10 omnibus motion to seal that Defendants propose;

11 WHEREAS, pursuant to Local Rule 79-5(f), the current deadline for Defendants to submit a
12 statement and/or declaration in response to Plaintiffs' Motion to Consider is October 26, 2023—seven
13 (7) days after the filing of Plaintiffs' Motion to Consider;

14 WHEREAS, if the Court is not inclined to grant Defendants' request for the parties to file an
15 omnibus motion to seal, Defendants believe that a relatively brief extension of time is necessary to file
16 the statement and/or declaration required under Local Rule 79-5(f) in order to afford Defendants
17 adequate time to assess the documents Plaintiffs submitted with their Motion to Consider and make a
18 proper showing to the Court establishing that these documents, or portions thereof, are sealable;

19 WHEREAS, the parties have conferred, and Plaintiffs do not oppose Defendants' proposal for
20 the parties to file a single, omnibus motion to seal with respect to Plaintiffs' Motion for Leave, nor do
21 Plaintiffs oppose Defendants' proposed extension of time in the alternative to file a declaration in
22 support of the Motion to Consider pursuant to Local Rule 79-5(f), such that the parties now hereby agree
23 and stipulate as follows.

24 THEREFORE, IT IS HEREBY STIPULATED, subject to the approval of the Court, that:

- 25 1. The parties shall file a single, omnibus motion to seal that consolidates all of their sealing
26 requests related to Plaintiffs' Motion for Leave no later than thirty (30) days after Plaintiffs'
27 reply in support of their Motion for Leave is due.
28

2. In the alternative, Defendants shall have until November 9, 2023, to file a declaration in support of Plaintiffs' Motion to Consider as required by Local Rule 79-5(f).

IT IS SO STIPULATED.

DATED: October 25, 2023

MOORE & LEE, LLP

/s/ Erica Rutner

Erica Rutner
Attorneys for Defendants

DATED: October 25, 2023

SCHNEIDER WALLACE COTTRELL
KONECKY LLP

/s/ Guy B. Wallace

Guy B. Wallace
Attorneys for Plaintiffs and the Proposed
Classes

ATTORNEY ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that all other signatures listed, in whose behalf this filing is submitted, concur in the filing's content and have authorized the filing.

/s/ Erica Rutner

Erica Rutner

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2023, I electronically filed the foregoing document with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

/s/ Erica Rutner

Erica Rutner

ORDER

Pursuant to Stipulation, and for good cause shown, the parties' Stipulation is GRANTED.

Dated: 10/26/2023



HON. HAYWOOD S. GILLIAM, JR.
United States District Judge